THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.12988 of 2006

Date: 29.06.2006

Between:

Bhavani Venkata Subbamma.

... PETITIONER

AND

The District Collector,
Nellore state of A.P., rep., by its
Collector, East Godavari at
Kakinada & others.

... RESPONDENTS

ORDER:-

Heard the learned counsel on record.

2. The writ petition is filed for a writ of Certiorari calling for the records pertaining to the notification of the 1st respondent vide No.R.C.G1/2699/2006, dated 17.05.2006 and quash the same by declaring as bad, arbitrary, contrary to the provisions of Land Acquisition Act 1894 and also offends Article 21 and 300-A of the Constitution of India and pass such suitable orders.

3. Several factual details had been narrated in paras 2 and 3 of the affidavit filed in support of the writ petition. The main grievance of the petitioner is that there is absolutely no urgency to take immediate possession of the land and hence the authorities cannot dispense with the ordinary procedure laid down under Section 5-A of the Land Acquisition Act, hereinafter in short referred to as Act for the purpose of convenience. Several of the factual details in detail had been narrated at para 4 of the affidavit to substantiate the stand of the writ petitioner that in the facts and circumstances of the case, dispensing with 5-A enquiry under the Act cannot be sustained.

4. In the light of the same, the respondents are hereby directed to conduct 5-A enquiry under the Act in accordance with law by affording opportunity to the petitioner to raise her objections in this

regard and dispose of the same in accordance with law and till then not to disturb the possession of the petitioner in relation to the subject matter of the writ petition.

The writ petition is accordingly, disposed of. No order as to costs.

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P.S. NARAYANA, J

Date: 29.06.2006
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